

## Substance

The EPA is in the process of updating the agency's 304(a) cadmium aquatic life ambient water quality criteria for final publication. These criteria provide scientifically sound recommendations to states for levels that are protective of aquatic communities. States may choose to adopt the 304(a) criteria or other scientifically defensible values in their water quality standards. The cadmium criteria revise acute and chronic freshwater and estuarine/marine values that were last updated in 2001. The updated criteria values are very similar to what they were in 2001. The EPA used the approach it routinely uses in developing aquatic life recommended criteria to develop the criteria, and added new toxicity data representing over 75 additional freshwater species.

# Ex. 5 - Deliberative Process

The basis of the EPA's disapproval of Oregon's cadmium **criterion** (and the EPA's duty to propose a replacement criterion for Oregon) was a 2012 jeopardy biological opinion from the National Marine Fisheries Service for acute effect to salmon species based on the EPA's 2001 freshwater acute cadmium **criterion** (which Oregon had adopted as the state's water quality standards). Although the 2016 updated freshwater acute **criterion** is slightly more stringent than the 2001 value, a draft Endangered Species Act analysis prepared by the EPA indicates that the updated freshwater **criterion** are expected to provide approximately 95 percent protection for endangered salmonids based on acute effects, a minimal effects level associated with the jeopardy opinion. It is likely, however, that the Services may still question these **criteria** as they expected our update to result in even more stringent values.

## Process

Office of Science and Technology partnered within the agency with Office of Research and Development to develop the document. The document was reviewed by the Office of Research and Development, Office of Chemical Safety and Pollution Prevention, and the Regions (3, 4, 5, 8, 9, and 10) and Office of Policy. The EPA conducted an external contractor-led letter peer review on the criteria document that was completed in 2015. The document was available for a 60-day public comment period which ended February 1, 2016.

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